



INFORMATION SHEET:

Code Assessment for Material Change of Use applications

How do I know if I need to make an application for Code Assessment?

The assessment tables in the Bulloo Shire Planning Scheme indicate the level of assessment required for specific types of development. The table identifies those certain developments which are subject to code assessment.

How do I make an application?

An application to Council for impact assessment for a Material change of Use must be submitted with the following:

- **IDAS forms** - You will need to complete and submit Forms 1 and 2. There may also be other IDAS forms relevant to your application. A link to the IDAS Forms is available on Council's website.
- **Application fees**
- **Land owner's consent** - All the landowners must give their written consent to the application. The landowners can sign the IDAS Form 1, or you can declare on Form 1 that the landowners have given you their written consent to the application.
- You must also provide **all mandatory supporting information** identified on Form 1 and any other relevant IDAS Form. The mandatory supporting information provides details of how you will design, construct and operate the proposed use.

It is recommended that you complete the IDAS checklists to assist you to determine which forms you need to complete for your application and whether there are any referral agencies for your application.

An application is "properly made" if:

- the correct forms are completed;
- the landowner's consent is provided;
- the correct fees are paid; and
- the mandatory supporting information is supplied.

If the application is not "properly made" it cannot be processed by Council.

It is recommended that you engage an appropriately qualified consultant with knowledge of the *Planning Act 2016* to assist you prepare the application.

REFERRAL AGENCIES

You may be required to send a copy of your application to a Referral Agency. This will depend upon the location of the proposed development, and the specific characteristics of the land. The Referral Agency is usually the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). The reasons for referral to the DSDMIP include:

- the land adjoins a rail corridor; or
- the land is within 25 metres of a State-controlled road.
- the development involves clearing protected vegetation or is in close proximity to protected vegetation; or
- the land is identified as potential strategic cropping land;
- the use includes a concurrence Environmentally Relevant Activity; or
- the land is on the Queensland Heritage Register.

This is not an exhaustive list of referral triggers and there are many other reasons an application can require referral.

An additional fee is payable to Council if a Referral Agency is involved in the application process. Additional fees may also be payable directly to the Referral Agency.

When directed to do so by Council, you must send a copy of your application to the Referral Agency. The Referral Agency may request further information, suggest changes to the application, and impose conditions on a development permit. The Referral Agency can also direct Council to refuse an application.

THE APPLICATION

How long will it take?

The assessment process must be carried out in accordance with the timeframes of the Integrated Development Assessment System (IDAS) in the *Planning Act 2016*. For a development requiring code assessment there are four stages –

- Application stage – an application must be “properly made” to be accepted by Council;
- Information and referral stage - where Council and any referral agency can request additional information;
- Decision stage.

There are time lines for each of the stages which vary according to the circumstances of the application.

DSDMIP provides a 5 question survey which generates an IDAS flow chart with indicated timeframes for the application for a development permit.

Lodging an Application

Development applications can be lodged at a Council office, posted or emailed to Council. Payment of the applicable fee is required when the application is lodged.

The Application Process

Once you have submitted your application to Council, a preliminary review of the application will be conducted by Council officers. You will be advised in writing if further information is required to enable Council or a Referral Agency to assess the application.

How will my application be assessed?

Code assessable development is assessed against all the identified codes listed in the tables of assessment in the planning scheme.

Development will be assessed against –

- The performance and acceptable outcomes of all applicable codes; and
- The purpose and overall outcomes of all the applicable codes.

THE APPEAL PROCESS

Following Council’s decision on the application, you will have an appeal period of 20 business days during which time you can:

- request Council to review the conditions of approval and seek a Negotiated Decision Notice; and/or
- lodge an appeal in the Planning and Environment Court against:
 - the conditions of an approval; or
 - the refusal of an application.

STARTING THE USE

It is very important that you read and understand all the conditions of approval. You can start the use when the appeal periods have ended and all relevant conditions of approval have been complied with.

If the conditions of the development approval are not met, Council can commence enforcement action. It is recommended that you contact Council to arrange a compliance inspection when you are ready to commence the use.

NEED FURTHER INFORMATION?

This information sheet is designed to provide a guide to the planning scheme and the application process. For further specific information please contact the Council Office on (07) 4621 8000 to make an appointment with a Council planner. Additional information can also be obtained from the Bulloo Shire Planning Scheme and the *Planning Act 2016*.